

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

CURTIS LEWIS,)
Plaintiff,)
v.)
NASHVILLE CRIMINAL JUSTICE)
CENTER, ET AL.,)
Defendants.)

No. 3:07-00559
Judge Trauger

ORDER

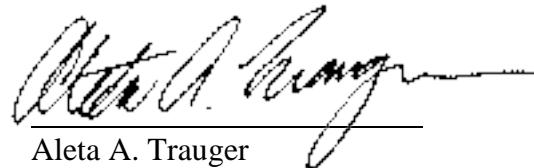
The plaintiff has filed a document captioned “Motion to Appeal Summary Judgment”(Docket Entry No. 34) which, because the substance of the document is addressed to the district court, the court liberally construes as a timely filed motion to alter or amend judgment under Rule 59(e), Fed. R. Civ. P. *See Boag v. MacDougall*, 454 U.S. 364, 365 (1982)(courts are required to liberally construe documents filed by *pro se* litigants).

The district court may grant a motion to alter or amend judgment under Rule 59(e) only if the movant shows that there is a clear error of law, newly discovered evidence, an intervening change in controlling law, or to prevent manifest injustice. *Henderson v. Walled Lake Consol. Schs.*, 469 F.3d 479, 496 (6th Cir. 2006); *Intera Corp. v. Henderson*, 428 F.3d 605, 620 (6th Cir. 2005). The plaintiff does not claim that the court erred in dismissing this action. Neither does he assert that there is newly discovered evidence, or that there has been an intervening change in controlling law. Rather, the plaintiff claims to have proof that he exhausted his administrative remedies, but that he was unable to object to the Magistrate Judge's R&R because he was hospitalized when the objections to the R&R were to have been filed. In other words, the plaintiff appears to assert that a manifest injustice will occur if his motion is not granted.

In the interest of justice, the plaintiff is granted an additional ten (10) days to file objections

to the Magistrate Judge's R&R. The plaintiff shall file said objections not later than ten (10) days from the date of entry of this Order. The plaintiff is forewarned that, should he fail to comply with this Order within the ten-day time frame prescribed, his motion to alter or amend judgment will be denied.

It is so **ORDERED**.



Aleta A. Trauger
United States District Judge